

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CARL STICH,

Plaintiff,

v.

NICKOLAS LIND, et al.,

Defendants.

No. 2:20-CV-1300-JAM-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On August 4, 2020, the Court issued findings and recommendations that plaintiff's application for leave to proceed in forma pauperis be denied because, according to plaintiff's prison trust account statement on file at the time, plaintiff had \$1,344.87 in his account. Plaintiff filed objections on August 17, 2020. In his objections, plaintiff claims that the funds in his account are used to purchase denture adhesive and that he has no other access to funds to maintain adequate dental care. See ECF No. 8. Upon further consideration, the Court finds that plaintiff has submitted a declaration (ECF No. 2) that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

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To: The California Department of Corrections and Rehabilitation  
1515 S Street, Sacramento, California 95814:

Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action.

In addition to any initial partial filing fee required to be assessed, plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's inmate trust account. The agency referenced above is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's inmate trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on August 4, 2020, are vacated;
2. Plaintiff's motions for leave to proceed in forma pauperis (ECF No. 2) is granted;
3. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);
4. The director of the agency referenced above, or a designee, shall collect from plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment to be clearly identified by the name and number assigned to this action;
5. Thereafter, the director of the agency referenced above, or a designee, shall collect from plaintiff's inmate trust account the balance of the filing fee by collecting monthly payments from plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to plaintiff's inmate trust account and forwarding payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full, such payments to be clearly identified by the name and number assigned to this action;

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1                   6.       The Clerk of the Court is directed to serve a copy of this order and a copy  
2 of plaintiff's signed in forma pauperis affidavit to the address shown above; and

3                   7.       The Clerk of the Court is further directed to serve a copy of this order on  
4 the Financial Department of the court.

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7 Dated: August 27, 2020

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE